

Licensing & Regulatory Committee

Tuesday 6 October 2015

A meeting of the above Committee will be held at the Town Hall, Royal Leamington Spa on Tuesday 6 October 2015 at 10.00am.

Membership:

Councillor Illingworth (Chairman)	
Councillor Ashford	Councillor Miss Grainger
Councillor G Cain	Councillor Mann
Councillor Mrs Cain	Councillor Murphy
Councillor Davies	Councillor Quinney
Councillor Mrs Falp	Councillor Mrs Redford
Councillor Gifford	Councillor Mrs Stevens
Councillor Gill	Councillor Ms Weed

Emergency Procedure

At the commencement of the meeting, the emergency procedure for the Town Hall will be announced.

Agenda

*1. Substitutes

To receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Chief Executive, together with the name of the Councillor for whom they are acting.

*2. Declarations of Interest

Members to declare the existence and nature of interests in items on the agenda in accordance with the adopted Code of Conduct.

Declarations should be entered on the form to be circulated with the attendance sheet and declared during this item. However, the existence and nature of any interest that subsequently becomes apparent during the course of the meeting must be disclosed immediately. If the interest is not registered, Members must notify the Monitoring Officer of the interest within 28 days.

Members are also reminded of the need to declare predetermination on any matter.

If Members are unsure about whether or not they have an interest, or about its nature, they are strongly advised to seek advice from officers prior to the meeting.

***3. Renewal of a Sex Establishment Licence for Shades Gentleman's Club, 6a High Street, Royal Leamington Spa**

To consider a report from the Health & Community Protection **(Item 3/Page 1)**

(*Denotes those items upon which decisions will be made under delegated powers, as previously granted by Council).

Published Monday 28 September 2015

**General Enquiries: Please contact Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, Warwickshire, CV32 5HZ.
Telephone: 01926 353362**

E-Mail: committee@warwickdc.gov.uk

Enquiries about specific reports: Please contact the officers named in the reports.

**You can e-mail the members of this Committee at
committee@warwickdc.gov.uk**

**Details of all the Council's committees, councillors and agenda papers are available via our website
www.warwickdc.gov.uk/committees**

Please note that the majority of meetings are held on the first floor of the Town Hall. If you feel that this may restrict you attending this meeting, please telephone (01926) 353362 prior to the meeting, so that we can assist you and make any necessary arrangements to help you to attend the meeting.

THE AGENDA IS AVAILABLE IN LARGE PRINT ON REQUEST, PRIOR TO THE MEETING BY TELEPHONING (01926) 353362

 Licensing and Regulatory Committee 6 October 2015		Agenda Item No. 3
Title	Renewal of a Sex Establishment Licence for Shades Gentleman's Club, 6a High Street, Leamington Spa	
For further information about this report please contact	Emma Dudgeon, Licensing Enforcement Officer, Health and Community Protection. Tel 01926 456113 Emma.dudgeon@warwickdc.gov.uk	
Wards of the District directly affected	None	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No	
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers	None	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality & Sustainability Impact Assessment Undertaken	No

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service	22.9.2015	Richard Hall
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)	22.9.2015	Moira-Anne Grainger
Consultation & Community Engagement		
N/A		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		
N/A		

1. **SUMMARY**

- 1.1 An application has been received for the renewal of a Sex Establishment Licence under the Local Government (Miscellaneous Provisions) Act 1982.

2. **RECOMMENDATION**

- 2.1 Members are asked to consider this report and to decide whether to grant the renewal of a Sex Establishment Licence to Shades Snooker Club Ltd, and, if so, whether it should be granted with the same conditions.

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Section 27 of the Policing and Crime Act 2009 came into force on 6 April 2010. This amended Schedule 3 of the Local Government (Miscellaneous Provisions) 1982 Act to permit the Licensing Authority to licence sexual entertainment venues (SEVs). Following this date the Regulatory Committee recommended to full Council to re-adopt Section 2 and Section 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).
- 3.2 SEVs include lap dancing and pole dancing clubs and other similar venues under the regime set out in the 1982 Act. There were no grandfather rights available within the legislation for existing operators to automatically obtain an SEV licence.
- 3.3 Full Council accepted the Committee's recommendation and, after the necessary advertising was complete, adoption took place on 4 October 2010. After the 4 October 2011 (the third appointed day) any premises that did not hold a Sexual Entertainment Licence would not be able to provide adult entertainment, save for 11 times per year, with no more than one event per month.
- 3.4 A renewal application was received on 11 August 2015 from Shades Snooker Club Ltd for a SEV licence for Shades Gentleman's Club, 6a High Street Leamington Spa. The application is shown as Appendix 1. The hours applied for are shown below.

From 23:00 to 03:00 on Tuesday to Thursday
From 23:00 to 04:00 on Friday and Saturday

- 3.5 Shades Snooker Club Limited has held a premises licence with Warwick District Council issued under the Licensing Act 2003 for over seven years. The premises licence permits the sale of alcohol and regulated entertainment for the following:

Sale of Alcohol for Consumption On the Premises

*Sunday from 10:00 to 01:00
Monday to Thursday from 10:00 to 03:00
Friday and Saturday from 10:00 to 06:00*

Sale of Alcohol for Consumption Off the Premises

Monday to Sunday from 10:00 to 23:00

Plays; Films; Indoor Sporting Events; Live music; Recorded Music, performance of dance and other activities of a similar description. (All indoors)

Sunday from 10:00 to 01:00

Monday to Thursday from 10:00 to 03:00

Friday and Saturday from 10:00 to 06:00

All of the above save for off sales extended on the Sundays that are followed by a Bank Holiday Monday, the hours shall be 10:00 to 03:00 and on the Sundays that are followed by a Bank Holiday Monday, the hours shall be 10:00 to 03:00

The opening hours of the premises

Sunday from 10:00 to 01:30

Monday to Thursday from 10:00 to 03:30

Friday and Saturday from 10:00 to 06:30

Extended on the Sundays that are followed by a Bank Holiday Monday, the hours shall be 10:00 to 03:30 and on New Year's Eve hours extended to the end of permitted hours on New Year's Day.

No entry permitted:

After 12:30 on Sundays

After 02:30 Monday to Thursday

After 04:30 on Friday and Saturday

- 3.6 There are conditions on the current premises licence relating to adult entertainment. These were placed on the licence when the premises licence application was made. At this time entertainment was permitted without a separate licence. The conditions are:
- Full operation of CCTV system and employment of registered door staff.
 - All door supervisors to be SIA registered and badged.
 - Door supervisors to be on duty on every occasion where erotic dancing/adult entertainment is to take place and to start no later than 30 minutes before the entertainment starts until close.
 - At least one door supervisor to be on duty within the vicinity of the activity taking place within the premises, which is in addition to the required door supervisors controlling entrance/exit.
 - Panic buttons to be installed within each private booth and near stage area for the protection of performers.
 - CCTV to include cameras within each private booth and the communal area of unisex toilets.
 - No person under 18 years to be allowed in the premises.
 - Proof of age scheme in use at the premises. No person under 18 years to be allowed in the premises.

- No material to be displayed externally and visible to the general public of an adult nature.
 - No adult entertainment to be visible from outside the premises.
- 3.7 Any conditions placed on the premises licence and the SEV licence should not be conflicting.
- 3.8 Shades Snooker Club Ltd applied for a Sexual Entertainment Venue Licence in November 2010. This application was rejected at a meeting of the council's Regulatory Committee on the 14 June 2011.
- 3.9 An application was also received from Lisa Ransford for a Sexual Entertainment Venue Licence for Shades Gentleman's Club, 6a High Street Leamington Spa in December 2011. This application was rejected at a meeting of the council's Regulatory Committee on the 15 March 2012. Following this an application was received on 22 June 2012 and granted by the Regulatory Committee on the 13 August 2012.
- 3.10 An application for the renewal of the SEV licence was received on 8 August 2013, 14 October 2013 and 8 August 2014 with the Regulatory Committee granting the renewal at subsequent hearings.
- 3.11 The current Sex Establishment Licence along with the conditions attached to this licence is attached as Appendix 2.
- 3.12 The Licensing Department has received no complaints in relation to Shades Gentleman's Club and Street Marshalls employed by Warwick District Council receive few contacts in relation to the premises. Warwickshire Police have not objected to the renewal of the licence.
- 3.13 Warwick District Council Licensing Department has received 35 representations in relation to the renewal application for Shades Gentleman's Club, 6a High Street, Leamington Spa. All of these representations were objections to the renewal being granted.
- 3.14 The objectors have been categorised into local residents (those living within a 15 minute walk of the premises), non-local residents, Councils and Councillors.
- 3.15 33 representations have been received on a standard form, not devised by Warwick District Council, where the objectors were asked to tick the reasons they wished to object to the renewal application.
- 3.16 Of the 33 objections received on the standard form, 10 objections have been accepted from local residents attached as Appendix 3 and 23 have been accepted from non-local residents attached as Appendix 4.
- 3.17 All local resident objectors objected due to the proximity of the premises to a place of worship. Two local residents also objected to the proximity of sheltered housing and accommodation of vulnerable people, the proximity to shopping centres, the proximity of community facilities, that there is on-going regeneration of the area and one local resident also objected due on-going evidence of complaints about noise.

- 3.18 All objections received from non-local residents objected due to the proximity of the premises to a place of worship. Seven local residents also objected to the proximity of the premises to sheltered housing and accommodation of vulnerable people, six objected due to the proximity to shopping centres and the on-going regeneration of the area, five due to the proximity to community facilities and four due to the on-going evidence of complaints about noise.
- 3.17 One objection was received from a Councillor attached as Appendix 5 and one from Leamington Town Council attached as Appendix 6.
- 3.18 Warwick District Council received one late objection in relation to the application. This has not been included in the report, however the objection will be made available at the hearing for the Committee to decide if this should be taken into consideration.
- 3.19 Warwick District Council also received 69 signatures in a petition format. The petition objects to the proximity of the premises to a place of worship. The representations are not included in the report but will be made available at the hearing.
- 3.20 All representation have been redacted with the exception of the representation received from Leamington Town Council who asked that their details be made available to the applicant and the public.
- 3.21 Any person who has made a representation has been invited to attend the Licensing & Regulatory Hearing. A copy of this letter is attached as Appendix 7.
- 3.22 A map of the area is shown as Appendix 8 and a plan of the internal area of the premises will be made available at the hearing.
- 3.23 A copy of the Council's policy on sex establishments is attached as Appendix 9.
- 3.24 In making their decision, the Committee will take into account the application, consider representations that are relevant to the grounds for grant or refusal of licences as prescribed by law, the council's policy on sex establishments and any potential impact on human rights. Representations that are based solely on religious or moral grounds cannot be considered by the Committee.
- 3.25 Where a renewal is refused, the licence remains in force pending appeal. However there is no right of appeal if the grounds for refusing a renewal application are those set out in para 12 (3) (c) or (d) schedule 3 of the Miscellaneous Provisions Act 1982.

4. **BUDGETARY FRAMEWORK**

- 4.1 Costs could potentially be incurred by the Licensing Authority if its decision is subject to legal challenge or appeal.

5. **ALTERNATIVE OPTION(S) CONSIDERED**

- 5.1 No alternatives may be considered

6. **BACKGROUND**

- 6.1 None



Warwickshire Direct

11 AUG 2015

Leamington

**APPLICATION FOR ~~GRANT~~ / RENEWAL / ~~VARIATION~~ / ~~TRANSFER~~* OF A
SEX ESTABLISHMENT LICENCE**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I / We

SHADES SNOOKER CLUB LIMITED

(Insert name/s of applicant/s - please read guidance note 1)

**apply for the ~~Grant~~ / Renewal / ~~Variation~~ / ~~Transfer~~* of a Sex
Establishment Licence for the premises described in Part 1 below (the
premises) in accordance with schedule 3 of the Local Government
(Miscellaneous Provisions) Act 1982 (*delete as necessary)**

Part 1 - Premises Details *(Please read guidance note 2)*

Postal address (including trading name, post code and telephone number of premises)

Shades Gentleman's Club
6a High Street
Leamington Spa
CV31 3AN

Part 2 - Applicant Details

Please state whether you are applying for a licence as

a) an individual or individuals *

☐ please complete section (A
& C)

b) a person other than an individual *

i. as a limited company

☒ please complete all
sections

- ii. as a partnership ☐ please complete all sections
- iii as an unincorporated association or ☐ please complete all sections
- iv other (for example a statutory corporation) ☐ please complete all sections

(A) Individual Applicant Details (Please read guidance note 3)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
Family Name RANSFORD			First names ROBERT		
Date of birth					
Current postal address including post code					
Telephone number					
E-mail address					
National Insurance No.					
Telephone number					
E-mail address					

(Continue on separate page if necessary)

Please see attached sheet for second individual

(B) Other Applicants (Company, etc.)

Please provide name and registered address of applicant in full. Where appropriate please give any registered number.

Name	SHADES SNOOKER CLUB LIMITED
Address including post code	
Registered number	

Description of applicant (e.g. partnership, company, etc.)	COMPANY
Telephone number	
E-mail address	

(C) Description of Trading Activity

The premises will trade as:						
<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>			
A Sex Cinema	A Sex Shop		A Sexual entertainment venue			
I would like the premises will trade on the following days and between the following times:						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From	From 23:00 HRS	From 23:00 HRS	From 23:00 HRS	From 23:00 HRS	From 23:00 HRS	From
To	To 03:00 HRS	To 03:00 HRS	To 03:00 HRS	To 04:00 HRS	To 04:00 HRS	To

(D) Licensing History

Has any person or the corporate or unincorporated body referred to in
this application: -

Been disqualified from holding a licence for a sex establishment?	NO
Been refused the grant/ renewal /-transfer of a licence for a sex establishment?	NO
Been the holder of a sex establishment licence when that licence has been revoked?	NO
If 'Yes' to any of the above please provide details:	

Part 3 - Declaration

1/We:

Please tick yes

- Enclose the fee (Please make payable to Warwick District Council) ☒
- Enclose evidence of identity containing a photograph in respect of each ☒

- individual applicant / partner / director, as applicable
- Enclose either a criminal conviction certificate or criminal record certificate or the results of a subject access search of the police national computer by the National Identification Service ☒
 - Understand that if the above requirements have not been complied with my application will be rejected ☒
 - Understand that the information given may be used in conjunction with other authorities for the prevention and detection of fraud, and will be held on computer, subject to the Data Protection Act 1998. ☒
 - Confirm that the information supplied in this application is true to the best of ~~my~~ / our knowledge and belief. ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

(C) Signatures (Please read guidance note 4)

Signature of applicant.

Signature/ s	<div style="border-bottom: 1px solid black; width: 100%;"></div> ROBERT RANSFORD	<div style="border-bottom: 1px solid black; width: 100%;"></div> LISA MARGARET RANSFORD
Date	10/8/2015	
Capacity	DIRECTOR	COMPANY SECRETARY

(D) Contact Details (Please read guidance note 5)

Contact name	Mr Ian Besant
Contact postal address including post code	Wright Hassall LLP Olympus Avenue Leamington Spa CV34 6BF
Telephone number (if any)	01926 880709
E-mail address (optional)	ian.besant@wrighthassall.co.uk

DETAILS OF SECOND INDIVIDUAL APPLICANT

(A) Individual Applicant Details *(Please read guidance note 3)*

Mr <input type="checkbox"/>	Mrs <input checked="" type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
Family Name RANSFORD				First names LISA MARGARET	
Date of birth					
Current postal address including post code					
Telephone number					
E-mail address					
National Insurance No.					
Telephone number					
E-mail address					

WARWICK DISTRICT COUNCIL

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982

SEXUAL ENTERTAINMENT VENUE

WARWICK DISTRICT COUNCIL in pursuance of the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 hereby grant a Sex Establishment Licence to **Shades Snooker Club Limited** operating from a premises known as **Shades Gentleman's Club, 6a High Street, Leamington Spa** during the following hours:

23:00 to 03:00 from Sunday to Thursday

23:00 to 04:00 from Friday to Saturday

This licence takes effect from the **13th August 2014** and expires on the **12th August 2015**.

Part B of this licence, which contains the licence conditions, must be kept at the premises and be available for inspection.

Pp **Richard Hall**

Head of Health and Community Protection

WARWICK DISTRICT COUNCIL

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23:00 to 03:00 from Sunday to Thursday

23:00 to 04:00 from Friday to Saturday

This licence takes effect from the **13th August 2014** and expires on the **12th August 2015**.

This licence is issued subject to the conditions found on the following pages.

Pp **Richard Hall**

Head of Health and Community Protection

Conditions attached to Sex Establishment Licence number WDCSEL004

Access to premises

- Access must be afforded at all reasonable times to authorised officers of the council and the police and fire services.

Conditions transferred from the licence issued under the premises licence issued under the Licensing Act 2003

- Door supervisors to be on duty on every occasion where erotic dancing/adult entertainment is to take place no later than 30 minutes before the entertainment starts and shall remain until 30 minutes after the end of the dancing/adult entertainment.
- At least one door supervisor to be on duty on every occasion where erotic dancing/adult entertainment is taking place, which in an addition to the required door supervisors controlling the entrance/exit.
- All booths in the establishment shall be fitted with CCTV and panic buttons.
- Panic buttons shall be installed within each private booth and near stage area for the protection of performers
- CCTV shall be fitted, working and conform to Police Digital Standards requirement and meet the approval of Warwickshire Police Architectural Liaison Officer.
- CCTV to include cameras within each private booth and the communal area of unisex toilets.

Condition added by the council's Regulatory Committee

- The only external sign permitted to be displayed must only show the words "Shades Gentleman's Club" in a regular typeface and font.

Conditions required on Sex Establishment Licences issued by WDC

- No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.
- The licensee shall ensure that no part of the licensed premises shall be used by prostitutes (male or female) for soliciting or for any immoral purposes.
- Neither the licensee nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, by means of flyers, handouts or any like thing, outside or in the vicinity of the licensed premises.
- The copy of the licence shall be displayed in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.

External Appearance

- No advertisements or other notices or items shall be displayed so as to be visible from the exterior of the premises.
- The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the club.
- On the external facing of the inner door, there shall be displayed a notice in accordance with the requirements of the Indecent Displays (Control) Act 1981 and must clearly state:

WARNING

Persons passing beyond this notice will find material or activities on display which they may consider indecent. No admittance to persons under 18 years of age.

Maintenance and Repair

- The licensee shall maintain the licensed premises in good order, repair and state of cleanliness at all times, which will include the need to maintain the front and rear of the premises in a clean and tidy condition.
- The licensee shall comply with any fire prevention and safety measures that may be required by the Fire Authority.

General

- No part of the premises shall be let.
- Any breach of the conditions above may result in the licence being revoked and the licensee being prosecuted, where appropriate.

**OBJECTION TO THE APPLICATION FOR RENEWAL OF LICENCE
FOR SHADES GENTLEMAN'S CLUB (KNOWN AS "THE SEX CLUB")
at 6A HIGH STREET, LEAMINGTON SPA**

I wish to register **my strong support** for the Objection made by the Hindu Temple (Mandir) in Crown Terrace.:

"We, being members of the Hindu Mandir and Community Centre in Crown Terrace (access by No 10 High Street), wish to **Object most strongly** to the application for the renewal of the licence for Shades Gentleman's Club (known locally as The Sex Club') at 6A High Street, Leamington Spa" on the basis of **"proximity of place of worship"**.

I also wish to Object on the following grounds (please tick as appropriate)

- The residential premises at 10 High Street (the old Crown Hotel) is **sheltered housing and accommodation of vulnerable people** provided by Orbit.
- **The proximity of shopping centres** : Clemens Street is becoming a thriving local shopping centre
- **The proximity of community facilities/halls**: the thriving Hindu Community Centre is adjacent to the Hindu Temple
- **There is ongoing regeneration of the area**
- **There is ongoing evidence of complaints about noise and/or disturbance** caused by the premises,, especially by the families living at No 1 Wise Terrace

Name PLEASE PRINT

Address PLEASE PRINT

Signature

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- **The proximity of community facilities**: the busy Hindu Community Centre is adjacent to the Hindu Temple ✓
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- The residential premises at 10 High Street (the old Crown Hotel) is **sheltered housing and accommodation of vulnerable people** provided by Orbit.
- **The proximity of shopping centres** : High Street and Clemens Street are becoming thriving local shopping centres
.....
- **The proximity of community facilities**: the busy Hindu Community Centre is adjacent to the Hindu Temple
.....
- **There is ongoing regeneration of the area**
.....
- **There is ongoing evidence of complaints about noise and/or disturbance** caused by the premises,, especially by the families living at No 1 Wise Terrace
.....

Name PLEASE PRINT

Address PLEASE PRINT .
.....

Signature

**OBJECTION TO THE APPLICATION FOR RENEWAL OF LICENCE
FOR SHADES GENTLEMAN'S CLUB (KNOWN AS "THE SEX CLUB")
at 6A HIGH STREET, LEAMINGTON SPA**

I wish to register **my strong support** for the Objection made by the Hindu Temple (Mandir) in Crown Terrace.:

We, being members of the congregation of the Hindu Mandir and Community Centre at 10B High Street, Leamington Spa (accessed via Crown Terrace), wish to **Object most strongly** to the application for the renewal of the licence for Shades Gentleman's Club at 6A High Street, Leamington Spa on the basis of **"proximity of places of worship"**.
I also wish to Object on the following grounds (please tick as appropriate)

- The residential premises at 10 High Street (the old Crown Hotel) is **sheltered housing and accommodation of vulnerable people provided by Orbit.**
- **The proximity of shopping centres :** High Street and Clemens Street are becoming thriving local shopping centres
- **The proximity of community facilities:** the busy Hindu Community Centre is adjacent to the Hindu Temple
- **There is ongoing regeneration of the area**
- **There is ongoing evidence of complaints about noise and/or disturbance caused by the premises, especially by the families living at No 1 Wise Terrace**

Name PLEASE PRINT

Address PLEASE PRINT ..

Signature

**OBJECTION TO THE APPLICATION FOR RENEWAL OF LICENCE
FOR SHADES GENTLEMAN'S CLUB (KNOWN AS "THE SEX CLUB")
at 6A HIGH STREET, LEAMINGTON SPA**

I wish to register **my strong support** for the Objection made by the Hindu Temple (Mandir) in Crown Terrace.:

We, being members of the congregation of the Hindu Mandir and Community Centre at 10B High Street, Leamington Spa (accessed via → Crown Terrace), wish to **Object most strongly** to the application for the ← renewal of the licence for Shades Gentleman's Club at 6A High Street, Leamington Spa on the basis of "**proximity of places of worship**". I also wish to Object on the following grounds (please tick as appropriate)

- The residential premises at 10 High Street (the old Crown Hotel) is **sheltered housing and accommodation of vulnerable people** provided by Orbit. ✓
- The **proximity of shopping centres** : High Street and Clemens Street are becoming thriving local shopping centres *Bath Street* ✓
- The **proximity of community facilities**: the busy Hindu Community Centre is adjacent to the Hindu Temple ✓
- There is **ongoing regeneration of the area** *Named as such in the Local Plan* ✓
- There is **ongoing evidence of complaints about noise and/or disturbance** caused by the premises,, especially by the families living at No 1 Wise Terrace ✓

Name PLEASE PRINT

Address PLEASE PRINT ...

Signature

Emma Dudgeon

From:
Sent: 08 September 2015 23:09
To: Licensing
Cc: Marianne Rolfe; Richard Hall
Subject: Shades SEV renewal application August 2015

Dear Sir / Madam,

I wish to object to the application. This email is in lieu of a completed application form which, for information, appear not to be able to be completed via (Apple) mobile devices.

1. Name of premises: Shades Gentleman's Club, 6a High Street, Leamington Spa.
2. Name and address of objector:
3. Representation:

I wish to object to the above application for the following reasons and give notice of my wish to speak at the licensing panel hearing. My reasons are:

1. Shades is a Sexual Entertainment Venue. The presence of such premises is considered by other commercial organisations as detrimental to attracting retail investment to a town centre. Has WDC completed a survey of commercial businesses in the area? It therefore contradicts WDC policy as it may be argued as impacting on other businesses and should therefore be refused.
2. Shades is on Leamington's High Street. It's location undermines those efforts of my fellow Labour Councillors and other agencies to regenerate the area. This is clearly in contradiction of the WDC Policy and must therefore be refused.
3. Shades is situated within 60metres of the Hindu Temple and Community Centre. This is clearly 'proximal to a place of religious worship' and as such, in being in contradiction of WDC Policy, the application should be refused.

I have objected to the renewal application on several reasons including the criteria of "proximity to a place of religious worship". In doing so, I ask those sitting on the panel to consider this simple point: were this Sexual Entertainment Venue just around the corner from St Mary's Warwick or St Francis of Assisi Catholic Church in Kenilworth what would they conclude and what decision would they reach? Over the years they have ignored the proximity of the Shree Krishna Temple. It is 60yds from the site. Is that not proximal or is there a difference? I will of course re-iterate these points to the panel.

Please ensure, via email that I am invited to the licensing hearing. Last year the WDC letter sent to me was 'lost in the post'. I really would not like that to happen again.

Likewise, I would ask that two video recorders are made available for the hearing. There can be no failure to record the hearing as happened last year.

Please also note that I wish to speak at the hearing and that this email underlines that request; the failure to send me a letter is not sufficient reason to exclude me from speaking this year.

Thanks and kind regards,

Objection to a Sex Establishment Licence

Section 1 - Application Details

I wish to add the following representation to the Sex Establishment Licence application for:

Premises name and address:

Shades Gentlemen's Club
6a High Street
Leamington Spa CV31 3AN

Section 2 -Individual Representer's Details:

Name: Royal Leamington Spa Town Council
Address: Town Hall, Parade, Royal Leamington Spa CV32 4AT

Nature of representation.

1. The premises are located on the corner of High Street and Wise Street in a prominent position close to Leamington Spa train station, student accommodation and the Old Town Shopping area with the Hindu Temple and Community Centre in a nearby street.
2. It is on an access route to and from schools, play areas and children's nurseries and is close to bus stops used by local residents and visitors.
3. There are many residential premises near to the club which include sheltered housing for vulnerable people and specialist student housing, in addition to a range of residential accommodation.
4. There are relevant planning considerations (included in the draft Local Plan) which would make the continuation of this club in this location inappropriate. These include Warwick District Council's intention to develop the area off Clemens Street for Social Housing and further applications for more student housing. The recent Planning Application for the development of the former Bath Place Venture as a residential site for vulnerable people should also be taken into account.
5. Students can be regarded as vulnerable particularly those who are returning to their accommodation during and after the opening hours of these premises.
6. There are places of worship in the vicinity, namely the Hindu Temple and Community Centre and worshippers do attend the Temple during and after the hours of opening of these premises passing the premises' location.
7. Old Town is a location which is widely promoted to encourage local residents and visitors to shop, work and live there and local businesses to set up there

to provide economic benefit to the area. The location and nature of these premises act as a perceived obstacle to meeting those ambitions.

8. Although there is CCTV in the premises and at the entrance there is a lack of CCTV in the wider areas to monitor patrons, who, it may be perceived, are in a sexually aroused state when leaving the Club, leading to opportunities to create a public nuisance and whose actions could have an adverse impact on public safety.

It is therefore the view of Royal Leamington Spa Town Council that the renewal of the licence would be inappropriate having regard to:

- (i) the character of the relevant locality and
- (ii) the use to which any premises in the vicinity are put.



Signed:

Town Clerk on behalf of Royal Leamington Spa Town Council

Date: 8 September 2015

**Health and Community Protection
Richard Hall – Head of Service**

Warwick District Council, Riverside House
Milverton Hill, Royal Leamington Spa, CV32 5HZ
DX 29123 Leamington Spa 1

direct line: 01926 456113

switchboard: 01926 353363

fax: 01926 456121

email: emma.dudgeon@warwickdc.gov.uk

web: www.warwickdc.gov.uk

11 September 2015

Your ref:

Doc Ref:

Dear

Application for a renewal for a Sexual Entertainment Venue Licence by Shades

The Council's Regulatory Committee will be meeting to decide on the above renewal application at 10am on the 6th October 2015. You have made a representation, so you are invited to attend the meeting and speak.

If you wish to attend and speak at the meeting, please notify this office by noon on the 29th September 2015 at the latest. You may notify us by telephone on 01926 412656 or by email at committee@warwickdc.gov.uk or by letter to the above address.

You are reminded that the Committee will only be able to consider representations that are relevant to the grounds for grant or refusal of licences as prescribed by law. Representations that are based solely on religious or moral grounds cannot be considered by the Committee.

If you decide to attend the meeting, please report to the Committee Services Officer at least 15 minutes before the hearing is due to commence. However, please note that those not registered to speak will be directed to sit in the public gallery.

A copy of the agenda will be available on the Warwick District Council website at the following address in due course.

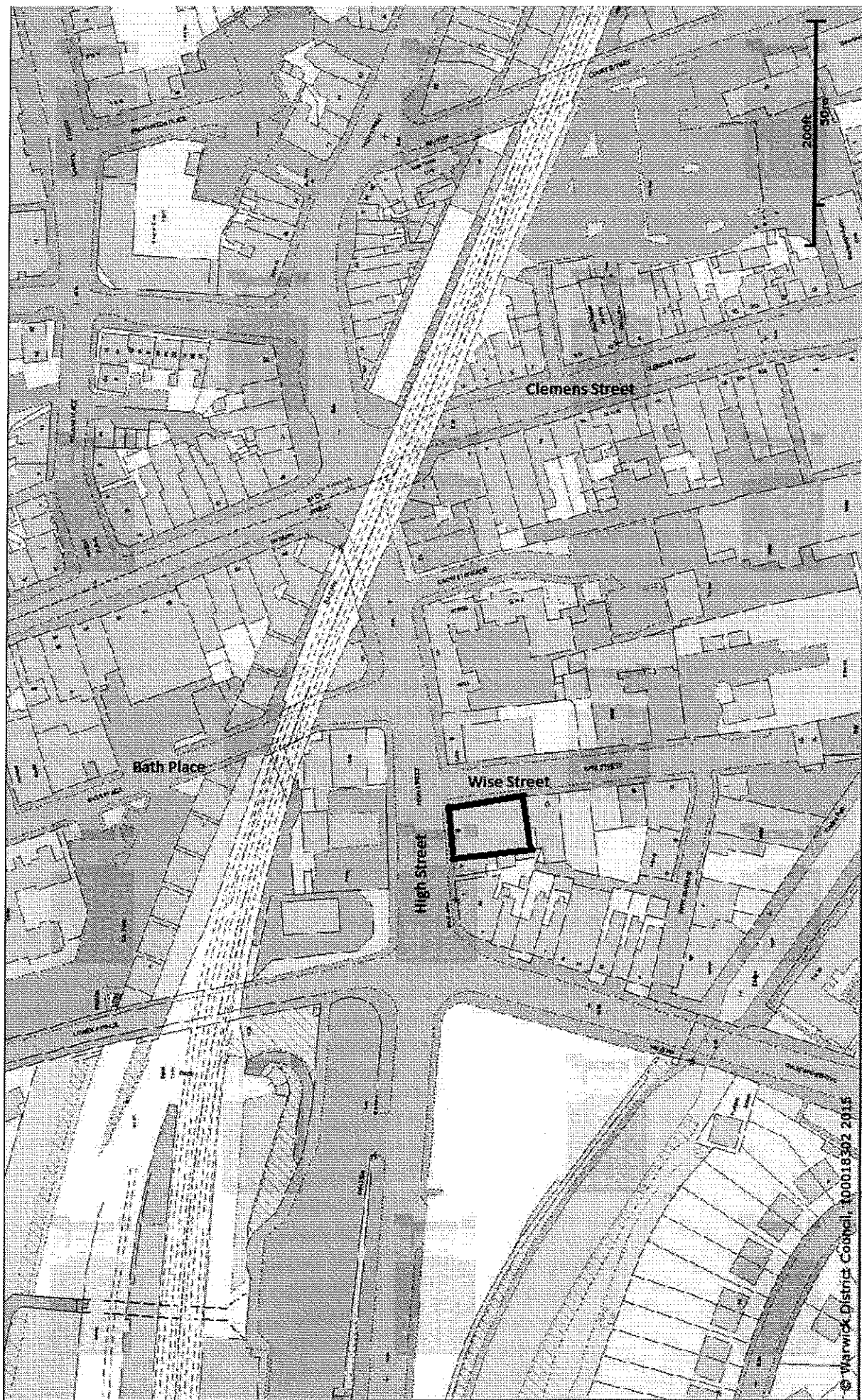
https://estates4.warwickdc.gov.uk/cmisis/Committees/tabid/103/ctl/ViewCMIS_CommitteeDetails/mid/529/id/26/committee_tab/0/Default.aspx

However, if you wish to receive a hard copy of the agenda please notify Committee Services using the same details as above.

A copy of the procedure that will be followed at the meeting will be made available in to all those who register to speak.

Yours sincerely

Emma Dudgeon
Licensing Enforcement Officer





Statement of Licensing Policy for premises to be licensed as sex establishments

Background

This Statement of Licensing Policy sets out the council's requirements for premises to be licensed as sex establishments within the meaning of schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended).

Section 2 of the Act provides that local authorities may resolve that schedule 3 will apply to their area, which has the effect of requiring premises operating as sex establishments in that authority's area to be licensed. Adoption of schedule 3 also allows the council to set terms and conditions and fees for the grant, renewal, transfer and variation of such licences and the number of licences that may be issued in the area, including nil.

Warwick District Council has not imposed any restriction on the number of licences to be issued. The fees have been published by the council since it adopted schedule 3 in July 1983.

The Policing and Crime Bill contained an amendment to schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 replacing the existing definition of a 'sex establishment' with the definition of a 'sexual entertainment venue'. This amendment removes the exemption for premises to be licensed where a premises licence under the Licensing Act 2003, which authorises the provision of regulated entertainment, is in force.

Definitions of the different types of 'sex establishment' can be found in the Appendix A to this policy.

Warwick District Council will monitor the continuing expansion of the leisure industry, which provides an essential contribution to the local economy in jobs and revenue in the District, in order to maintain a balance between those interests and the interests of preserving the heritage of the area and protecting the interests of residents.

This 'Statement of Licensing Policy' sets out the policies that the council will generally apply when making decisions on applications. It also sets out information about the application process, what is expected of applicants and how people can make representations about applications. It also sets out the types of controls that are available to the Council when decisions are made about licence applications and explains what action can be taken if complaints are received.

Note: The wording of Section 3.2 was modified by the Council's Regulatory Committee at a meeting on the 16th July 2012.

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1 Introduction

- 1.1 Warwick District Council resolved to apply Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in originally July 1982, and then resolved to apply the amended Schedule 3 in September 2010 ensuring that anyone wishing to operate a 'sex establishment' within the district must first obtain a licence from the council.
- 1.2 This Statement of Licensing Policy for Sex Establishments sets out the council's requirements for premises to be licensed as 'sex establishments' within the meaning of the Act (as amended).
- 1.3 The advice and guidance contained in the appendices attached to this Statement of Licensing Policy is intended only to assist readers in consulting the policy and should not be interpreted as legal advice or as constituent of Warwick District Council's Statement of Licensing Policy.
- 1.4 Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Local Government (Miscellaneous Provisions) Act 1982 or schedules issued under the Act.

2 Definition of 'sex establishment'

- 2.1 A 'sex establishment' is defined under the Act as a 'sex shop', a 'sex cinema' or a 'sexual entertainment venue'. Full definitions of those terms can be found in Appendix A to this policy.
- 2.2 It includes any premises, vehicle, vessel or stall used as a sex establishment but does not apply to the sale, supply or demonstration of articles which are manufactured for use primarily for the purposes of birth control or primarily relate to birth control.

3 Location of Licensed Premises

- 3.1 The council acknowledges that a concentration of licensed premises in a particular area can result in a potential fear of crime, anti-social behaviour, noise pollution and other disturbance to residents. In such cases the amenity of local residents can be placed under severe pressure.
- 3.2 The legislation provides that the Council may refuse an application for the grant or renewal of a licence if it considers that it would be inappropriate, having regard to the character of the relevant locality and the use to which any premises in the vicinity are put.

When considering whether a licence should be refused on this basis, the Council will have regard to the following;

- The proximity of residential premises, including any sheltered housing and accommodation of vulnerable people;
- The proximity of educational establishments;

- The proximity of places of worship;
- Access routes to and from schools, play areas, children's nurseries, children's centres or similar premises in proximity to the premises;
- The proximity of shopping centres;
- The proximity of community facilities/halls and public buildings such as swimming pools, leisure centres, public parks, youth centres/clubs (this list is not exhaustive);
- Any relevant planning considerations;
- Whether there is planned regeneration of the area;
- The proximity of other Sex Establishments;
- The nature and concerns of any representations received from residents and/or establishments objecting to the licence application;
- Any evidence of complaints about noise and/or disturbance caused by the premises;
- Any current licensing permission related to the premises in respect of activities, uses and hours

The Council has not set a limit on the number of Sex Establishments that it thinks is appropriate for any relevant locality and will determine each application on its own merits.

- 3.3 Applications in respect of premises must state the full address of the premises. Applications in respect of a vehicle, vessel or stall must state where it is to be used as a sex establishment.
- 3.4 The council would normally expect that applications for licences for permanent commercial premises should be from businesses with planning consent for the property concerned.

4 Making an application

- 4.1 An application for the grant, renewal, transfer or variation of a licence must be made in writing to the council in accordance with the requirements shown in Appendix B.
- 4.2 A specimen application form and notice for public advertisement is attached in Appendix C.

5 Fees

- 5.1 The application process involves paying a non-returnable application fee, which includes the costs for inspections of the premises and processing the application. The fees are reviewed annually against any rise in council costs of administering the licence regime.

6 Advice and Guidance

- 6.1 The council will seek to liaise with applicants and/or mediate between applicants and others who may make representations, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit.
- 6.2 Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that the applicant discuss his proposal with the licensing section and those from who they think representations are likely prior to submitting their application.

7 Grant, renewal or transfer of licences

- 7.1 The council may grant to any applicant and renew a licence for the use of any premises as a 'sex establishment' and will include the terms and conditions specified by the council in Appendix E, together with any other conditions that may be attached at a hearing. In the case of a 'sexual entertainment venue' any conditions attached to the premises licence issued under the Licensing Act 2003 will remain applicable to any licence issued for a 'sex establishment'
- 7.2 A licence will remain in force for one year, or such shorter period specified in the licence, unless previously cancelled or revoked.
- 7.3 Warwick District Council may, if they think fit, transfer a licence to any other person upon application by that person.
- 7.4 Where an application for renewal or transfer of a licence is made before the date of expiry of the existing licence, the licence shall remain in force until such time as the application has been determined.

8 Variation of licences

- 8.1 The holder of a licence may apply to the council to vary the terms, conditions or restrictions on or subject to which the licence is held.
- 8.2 The process will be similar to the application process whereby the variation requested must be advertised and consulted upon with a hearing to decide the outcome if necessary.

9 Representations

- 9.1 Representations may be made to an application by any person.

- 9.2 An representation must be in writing and state the grounds on which the representation is made.
- 9.3 Representations may only be made within the period of 28 days following the date on which the application was given to the council.
- 9.4 The council will not consider any representation that does not contain the name and address of the person making it.
- 9.5 Where representations are made the council will provide copies to the applicant. The council will not divulge the identity of the representor/s to the applicant without their permission to do so.
- 9.6 Where representations are made and not withdrawn, a hearing before the Council's Regulatory Committee will be held, unless all parties agree a hearing is unnecessary.
- 9.7 Where no representations are made, the council will grant the licence subject to the terms and conditions shown at Appendix E

10 Determining applications

- 10.1 When considering applications, the council will have regard to:
- (a) the Local Government (Miscellaneous Provisions) Act 1982
 - (b) any supporting regulations;
 - (c) this Statement of Licensing Policy.
- 10.2 This policy does not, however, undermine the rights of any person to apply for a licence and have the application considered on its individual merits, nor does it override the right of any person to make representations on any application where they are permitted to do so under the Act.
- 10.3 When determining applications, the council will take account of any comments made by the Chief Officer of Police as well as any other representations made. The police's comments may include, for example, the results of a community impact assessment undertaken by their architectural liaison team.
- 10.4 In all cases, the council will consider each application on its own merit.

11 Conditions

- 11.1 The council recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premises.
- 11.2 No condition will be imposed that cannot be shown to be necessary.
- 11.3 The conditions that may be attached to a licence are shown in Appendix E, but this is not an exhaustive list and others may be added if thought relevant.

12 Refusal of licences

- 12.1 Except where the council are prohibited from granting, renewing, varying or transferring a licence, the council will not refuse a licence without first: -
- Notifying the applicant or holder of the licence in writing of the reasons;
 - Giving the applicant or holder of the licence the opportunity of appearing and making representations before the council's Regulatory Committee.
- 12.2 The circumstances in which the council must or may refuse a licence are shown in Appendix F

13 Revocation of licences

- 13.1 The council may revoke a licence: -
- on any of the grounds specified in paragraph 1 of Appendix F of this policy;
 - on either of the grounds specified in paragraph 3 (a) and (b) of Appendix F of this policy.
- 13.2 The council will not revoke a licence without first giving the holder of the licence the opportunity of appearing and making representations before the council's Regulatory Committee.

14 Cancellation of licences

- 14.1 The licence-holder may surrender the licence at any time and may request the council in writing to cancel the licence. No refund will be applicable.
- 14.2 In the event of the death of a licence-holder, the licence will be deemed to have been granted to his personal representatives and will remain in force for 3 months from the date of death, unless previously revoked.
- 14.3 Where the council are satisfied that it is necessary for the purpose of winding up the estate of the deceased licence-holder, it may extend or further extend the period in which the licence remains in force.

15 Complaints

- 15.1 Where possible and appropriate the council will give early warning to licence holders of any concerns about problems identified at premises and of the need for improvement.

16 Enforcement

- 16.1 Warwick District Council is responsible for the administration and enforcement of the licensing regime and will have regard to the Department of Business Enterprise & Regulatory Reform's Regulators' Compliance Code and council's own Enforcement

Policy. The council will carry out its regulatory functions in a fair, open and consistent manner.

- 16.2 The council recognises the interests of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law and the conditions attached to the licence.
- 16.3 However, proportionate but firm action will be taken against those who commit serious offences or consistently break the law or breach the conditions of the licence.

Definitions

'Sex Cinema'

- 1) A sex cinema is any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which—
 - a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage—
 - i) sexual activity; or
 - ii) acts of force or restraint which are associated with sexual activity; or
 - iii) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions.

But does not include a dwelling-house to which the public is not admitted.
- 2) No premises shall be treated a sex cinema by reason only—
 - a) If they may be used for an exhibition of a film (within the meaning of paragraph 15 of schedule 1 of the Licensing Act 2003) by virtue of an authorisation (within the meaning of section 136 of that Act), of their use in accordance with that authorisation; or
 - b) Of their use for an exhibition to which section 6 of that Act (certain non-commercial exhibitions) applies given by an exempted organisation within the meaning of section 6 (6) of the Cinemas Act 1985.

'Sex Shop'

- 1) A sex shop means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating—
 - a) sex articles; or
 - b) other things intended for use in connection with, or for the purpose of stimulating or encouraging—
 - i) sexual activity; or
 - ii) acts of force or restraint which are associated with sexual activity.
- 2) No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced.

Sex Article

- 3) A sex article means—
 - a) anything made for use in connection with, or for the purpose of stimulating or encouraging—

- i) sexual activity; or
 - ii) acts of force or restraint which are associated with sexual activity;
 - b) anything to which sub-paragraph 4 below applies.
- 4) This sub-paragraph applies to—
- a) any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
 - b) any recording of vision or sound which—
 - i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
 - ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

'Sexual Entertainment Venue'

A 'Sexual Entertainment Venue' is any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

- 1) In this paragraph relevant entertainment means-
 - a) any live performance; or
 - b) any live display of nudity;

which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).
- 2) The following are not sexual entertainment venues: -
 - a) sex cinemas and sex shops;
 - b) premises at which relevant entertainment is provided as mentioned in sub-paragraph (1) no more than eleven times within 12 months, not longer than 24 hours on each occasion and more than one month between each event; or
 - c) premises specified or described in an order made by the relevant national authority
- 3) The relevant national authority may by order amend or repeal paragraph 3(b) above
- 4) For the purposes of this Schedule references to the use of any premises as a sexual entertainment venue are to be read as references to their use by the organiser.
- 5) Other definitions:

'audience' includes an audience of one;

"relevant entertainment" means any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

"display of nudity" means—

(a) in the case of a woman, exposure of her nipples, pubic area, genitals or anus;
and

(b) in the case of a man, exposure of his pubic area, genitals or anus;

"the organiser", in relation to the provision of relevant entertainment at premises, means any person who is responsible for the organisation or management of—

(a) the relevant entertainment; or

(b) the premises;

"premises" includes any vessel, vehicle or stall but does not include any private dwelling to which the public is not admitted;

"relevant national authority" means— in relation to England, the Secretary of State;
and for the purposes of sub-paragraphs (1) and (2) it does not matter whether the financial gain arises directly or indirectly from the performance or display of nudity."

Appendix B

Requirements for applying for grant, variation, transfer or renewal of a sex establishment licence

Grant of a licence

- 1) To apply for the grant of a sex establishment licence an applicant must: -
 - a) send the council: -
 - i) a completed application form;
 - ii) a plan to the scale of 1:100 of the premises to which the application relates;
 - iii) the fee;
 - b) display a notice on or near the premises;
 - c) advertise the application in a local newspaper;
 - d) send a copy of the application and plan to the Chief Officer of Police, Warwickshire Police Licensing Team, Police Station, Priory Road, Warwick, CV34 4NA, at the same time as submitting the application to the council.

Plan requirements

- 2) The plan must show: -
 - a) the extent of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter of the premises;
 - b) the location of points of access to and egress from the premises;
 - c) the location of escape routes from the premises;
 - d) fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
 - e) in a case where the premises includes a stage or raised area, the location and height of each stage or area relative to the floor;
 - f) in a case where the premises includes any steps, stairs, elevators or lifts, the location of the steps, stairs, elevators or lifts;
 - g) in the case where the premises includes any room or rooms containing public conveniences, the location of the room or rooms;
 - h) the location and type of any fire safety and any other safety equipment including, if applicable, marine safety equipment; and
 - i) the location of a kitchen, if any, on the premises.
 - j) Any private rooms for adult entertainment
- 3) The plan may include a legend through which the matters mentioned or referred to above are sufficiently illustrated by the use of symbols on the plan.

Public notices

- 4) A notice must be displayed at or on the premises to which the application relates for a continuous period of not less than 21 consecutive days from the day following the day the application was given to the council, where it can be conveniently read from the exterior of the premises.
- 5) Where the premises cover an area of more than 50 square meters, a further identical notice must be displayed every 50 metres along the external perimeter of the premises abutting any highway.
- 6) The notice must be on pale pink paper sized A4 or larger and printed legibly in black ink or typed in black in a font size equal to or larger than 16.
- 7) The notice must state: -
 - a) details of the application and activities that it is proposed will be carried on or from the premises,
 - b) the full name of the applicant,
 - c) the postal address of the premises, or in the case where there is no postal address, a description of the premises sufficient to enable the location and extent of the premises to be identified,
 - d) the date, which should be shown as the day after the application is submitted.
 - e) That it is an offence knowingly or recklessly to make a false statement in connection with an application and the maximum fine (£5000) for which a person is liable on summary conviction for the offence.
- 8) A similar notice must be published in a local newspaper or similar document within 7 days of giving the application to the council.
- 9) A sample public notice is show as Appendix D

Variation of a licence

- 10) The holder of a licence may apply at any time for any variation of the terms, conditions or restrictions on or subject to which the licence is held.
- 11) The process of applying for a variation is the same as that for applying for an initial grant except that a plan of the premises is not required unless the application involves structural alterations to the premises.

Renewal of a licence

- 12) The holder of a licence may apply for renewal of the licence. In order for the licence to continue to have effect during the renewal process, a valid application together with the appropriate fee must be submitted *before the current licence expires*.
- 13) The process of applying for renewal of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.

Transfer of a licence

- 14) A person may apply for transfer of a licence at any time.
- 15) The process of applying for transfer of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required.



APPLICATION FOR GRANT / RENEWAL / VARIATION / TRANSFER* OF A SEX ESTABLISHMENT LICENCE

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I / We

(Insert name/s of applicant/s – please read guidance note 1)

apply for the Grant / Renewal / Variation / Transfer* of a Sex Establishment Licence for the premises described in Part 1 below (the premises) in accordance with schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (*delete as necessary)

Part 1 - Premises Details *(Please read guidance note 2)*

Postal address (including trading name, post code and telephone number of premises)

Part 2 - Applicant Details

Please state whether you are applying for a licence as

- | | |
|--|--|
| a) an individual or individuals * | <input type="checkbox"/> please complete section (A & C) |
| b) a person other than an individual * | |
| i. as a limited company | <input type="checkbox"/> please complete all sections |
| ii. as a partnership | <input type="checkbox"/> please complete all sections |
| iii. as an unincorporated association or | <input type="checkbox"/> please complete all sections |

iv other (for example a statutory corporation) ☐ please complete all sections

(A) Individual Applicant Details *(Please read guidance note 3)*

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title	
Family Name				First names	
Date of birth					
Current postal address including post code					
Telephone number					
E-mail address					
National Insurance No.					
Telephone number					
E-mail address					

(Continue on separate page if necessary)

(B) Other Applicants (Company, etc.)

Please provide name and registered address of applicant in full. Where appropriate please give any registered number.

Name	
Address including post code	
Registered number	
Description of applicant (e.g. partnership, company,	

etc.)	
Telephone number	
E-mail address	

(C) Description of Trading Activity

The premises will trade as:						
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
A Sex Cinema	A Sex Shop	A Sexual entertainment venue				
I would like the premises will trade on the following days and between the following times:						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From	From	From	From	From	From	From
To	To	To	To	To	To	To

(D) Licensing History

Has any person or the corporate or unincorporated body referred to in this application: -

Been disqualified from holding a licence for a sex establishment?	
Been refused the grant / renewal / transfer of a licence for a sex establishment?	
Been the holder of a sex establishment licence when that licence has been revoked?	
If 'Yes' to any of the above please provide details:	

Part 3 - Declaration

I/We:

Please tick yes

- Enclose the fee (Please make payable to Warwick District Council) ☐
- Enclose evidence of identity containing a photograph in respect of each individual applicant / partner / director, as applicable ☐
- Enclose either a criminal conviction certificate or criminal record certificate or the results of a subject access search of the police national computer by the National Identification Service ☐
- Understand that if the above requirements have not been complied with my application will be rejected ☐
- Understand that the information given may be used in conjunction with other authorities for the prevention and detection of fraud, and will be held on computer, subject to the Data Protection Act 1998. ☐
- Confirm that the information supplied in this application is true to the best of my / our knowledge and belief. ☐

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

(C) Signatures (Please read guidance note 4)

Signature of applicant.

Signature/s	
Date	
Capacity	

(D) Contact Details *(Please read guidance note 5)*

Contact name	
Contact postal address including post code	
Telephone number (if any)	
E-mail address (optional)	

Notes for Guidance

- 1) Insert the name/s of individual applicant/s or partners or the trading name under which the business operates.
- 2) Include the postal address, including name by which the premises that is to be used as a sex establishment is to be known.
- 3) The full name, date of birth and home address of each individual applicant/partner/director must be supplied together with photographic evidence of identity, e.g. a certified copy of passport or driving licence, and either a criminal conviction certificate (issued under section 112 Police Act 1997), a criminal record certificate (issued under section 113A Police Act 1997) or the results of a subject access search under the Data Protection Act 1998 (b) of the Police National Computer by the National Identification Service.
- 4) The application form must be signed. Where there is more than one applicant, all applicants must sign the application form.
- 5) This is the address that we shall use to correspond with you about this application.
- 6) A plan of the premises must be submitted with the application, drawn to a scale of 1:100 showing all external and internal doors and windows and the position of counters, display stands, booths, video / tv / film screens, exhibition areas, dance / performance / stage areas fixed seating and tables, bars / counters from which refreshments are available and private rooms.
- 7) Copies of the application together with a plan of the premises must be submitted to: -
 - Community Protection, Licensing, Warwick District Council, Riverside House, Milverton Hill, Royal Leamington Spa, CV32 5HZ
 - Chief Officer of Police, Warwickshire Police Licensing Team, Police Station, Priory Road, Warwick, CV34 4NA
- 8) A notice containing details of the application must be advertised on the premises to which the application relates for a continuous period of not less than 21 days from the day following the day on which it was given to the licensing authority, in a position from which it can be conveniently read by members of the public.
- 9) A notice containing details of the application must be published in a newspaper circulating in the local vicinity of the premises within 7 days of the application be given to the licensing authority.
- 10) Fees can be obtained via the council's website or by contacting Licensing Services, Warwick District Council at licensing@warwickdc.gov.uk

Local Government (Miscellaneous Provisions) Act 1982

Sex Establishment Licence

Public Notice

[Name of person applying for licence] is applying to Warwick District Council for a *[sex cinema/sex shop/sexual entertainment venue]* licence at *[name and address of premises]*

Any person wishing to make representations in relation to this application may do so by writing to:

Licensing Authority

Warwick District Council

Riverside House

Milverton Hill

Royal Leamington Spa

Warwickshire CV32 5HZ



Representations may be made for 28 consecutive days from the date of this Notice.

A copy of the application for the grant of the above licence is kept by the Licensing Authority at the above address. The application can be viewed Monday to Thursday 9.00 am to 5.00 pm, and 9.00 am to 4.30 pm on Fridays, except Bank Holidays.

It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for making a false statement is a Level 5 fine on the Standard Scale.

[Date] – This must show the day after the day that the application was received by the Licensing Authority

Conditions

Access to premises

- 1) Access must be afforded at all reasonable times to authorised officers of the council and the police and fire services.

Hours of Opening

- 2) The hours that a sex shop may open to the public are from 0930 – 1800hrs on weekdays (Monday to Saturday).
- 3) A Sex Shop shall not open on Sundays, Christmas Day or Good Friday.

Management and Staffing of the Licensed Premises

- 4) Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for in the management of the body is to be notified in writing to the council within fourteen days of such change and such written details as the council may require in respect of any new director secretary or manager are to be furnished within fourteen days of a request in writing from the council.
- 5) A person shall only be approved for the purposes of the foregoing condition if the council considers him or her to be a suitable person to have control of the premises.
- 6) At all times during which the premises are open to the public, one or more approved persons shall be present on the premises and shall be responsible for their management.
- 7) No person under the age of 18 shall be admitted to the licensed premises or employed by the licensee to work at the licensed premises.
- 8) The licensee shall ensure that no part of the licensed premises shall be used by prostitutes (male or female) for soliciting or for any immoral purposes.
- 9) Neither the licensee nor any employee or other person shall seek to obtain custom for the licensed premises by means of personal solicitation, by means of flyers, handouts or any like thing, outside or in the vicinity of the licensed premises.
- 10) The copy of the licence and these conditions shall be displayed in accordance with paragraph 14(1) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 in a conspicuous position at the premises for the customers to see.

External Appearance

- 11) No advertisements or other notices or items shall be displayed so as to be visible from the exterior of the premises, subject to conditions 13 and 14.
- 12) The council shall approve the design of the front elevation of the establishment

- 13) As a general rule the name of the premises shall be of an uncontentious nature
- 14) The exterior and entrance to the licensed premises shall be suitably screened so as to prevent any part of the interior being visible from outside the shop.
- 15) On the external facing of the inner door, there shall be displayed a notice in accordance with the requirements of the Indecent Displays (Control) Act 1981 namely:

"WARNING

Persons passing beyond this notice will find material or activities on display which they may consider indecent. No admittance to persons under 18 years of age"

Maintenance and Repair

- 16) The licensee shall maintain the licensed premises in good order, repair and state of cleanliness at all times, which will include the need to maintain the front and rear of the premises in a clean and tidy condition
- 17) The licensee shall take appropriate measures to ensure that refuse and discarded sex articles or waste stock from the premises are kept secure from public accessibility pending removal from site.
- 18) The licensee shall comply with any fire prevention and safety measures that may be required by the Fire Authority.

General

- 19) No part of the premises shall be let
- 20) Any breach of the conditions above may result in the licence being revoked and the licensee being prosecuted, where appropriate.

Refusals and revocations of licences

1. The council must refuse to grant or transfer a licence to: -
 - (a) A person under the age of 18;
 - (b) A person who is for the time being disqualified from holding a licence;
 - (c) A person who is not resident in the United Kingdom or was not so resident throughout the period of 6 months immediately preceding the date upon which the application was made;
 - (d) A body corporate which is not incorporated in the United Kingdom;
 - (e) A person who has, within the period of 12 months immediately preceding the date upon which the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
2. The council may refuse
 - (a) an application for grant or renewal of a licence on one or more of the grounds shown in paragraph 3 below;
 - (b) an application for transfer of a licence on either or both of the grounds shown in paragraph 3 (a) and (b) below.
3. The grounds for refusal are: -
 - (a) That the applicant is unsuitable the licence by reason of having been convicted of an offence or for any other reason;
 - (b) That if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
 - (c) That the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the council considers is appropriate for that locality;
 - (d) That the grant or renewal of the licence would be inappropriate having regard to: -
 - i. The character of the relevant locality;
 - ii. The use to which any premises in the vicinity are put; or
 - iii. The layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
4. Nil may be an appropriate number for the purposes of paragraph (3)(c) above.